



FREDERICK COUNTY PLANNING COMMISSION

October 13, 2010

TITLE: Urbana Athletic Facility

FILE NUMBER: SP 92-31 (AP#'s 8341 & 8343)

REQUEST: Non-Binding Site Plan Review &
APFO Approval (for two athletic fields)

PROJECT INFORMATION:

LOCATION: Northeast side Campus Drive, adjacent to MD 355
ZONE: Agricultural
REGION: Urbana
WATER/SEWER: S-1, W-1 (connected)
COMP. PLAN/LAND USE: Institutional

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Southern Frederick County Youth Athletic Group
OWNER: Board of County Commissioners
ENGINEER: B & R Design Group
ARCHITECT: N. A.
ATTORNEY: Not Listed

STAFF: Stephen O'Philips, Principal Planner

RECOMMENDATION: 1) Site Plan: No Recommendation Required
2) APFO: Approval

Enclosures:

Exhibit #1: Aerial Photo

Exhibit #2: July 1, 2008 BOCC Report (pages 1-7 of 7, no attachments)

Exhibit #3: July 9, 2008 BOCC Report (pages 1-2 of 2, with two attachments)

Exhibit #4: MOU with FCPS and SFCYAAG (pages 1-2 of 2)

Exhibit #4: Site Plan (Sheets 1-2 of 2)

STAFF REPORT

BACKGROUND:

Previous Project Reviews by Board of County Commissioners (BOCC): The Southern Frederick County Youth Athletic Facilities Group (SFCYAFG) organization proposes to use two athletic playing fields (located on an agricultural parcel owned by the BOCC and also located adjacent to the Urbana High School) for youth recreation. The parcel is 100.5 acres in size, and the area of the lease for the playing fields is approximately 9.2 acres. SFCYAFG is the Applicant for this Site Plan application. In presentations to the BOCC, the SFCYAFG has stated that they represent the following not-for-profit groups:

- Linganore/Urbana Youth Athletic Association
- Urbana Jr. Hawks Baseball
- Urbana Soccer
- Urbana Basketball

On May 27, 2008 the SFCYAFG presented a request to the Board of County Commissioners (BOCC) to use land adjacent to the Urban High School for two athletic playing fields. Paul Dial, Director of Parks and Recreation Division; and Ray Barnes, Executive Director of Facilities Services, Frederick County Public Schools, also presented information to the BOCC. There was BOCC consensus to have County Agencies coordinate information on the project and return to the BOCC with a presentation.

On July 8, 2008 Austin Abraham, Director of Management Services Division, submitted a report to the BOCC (see attached report dated July 1, 2008) regarding the proposal of the SFCYAFG. The essence of that July 1, 2008 report described the various existing conditions and efforts that had been expended by County Agencies to facilitate this project, especially regarding the acceptance of 88,000 cubic yards of fill dirt from a nearby construction site to create athletic playing fields for use by the various not-for-profit groups.¹ In addition to these discussions, there were two important legal issues discussed in the July 1, 2008 report:

- 1) User Group Memorandum of Understanding (MOU); and
- 2) Construction Agreement.²

At the July 8, 2008 BOCC Meeting, there was BOCC consensus to bring back an actions-item report for further BOCC review. On July 10, 2008 Mr. Abraham presented another report (dated July 9, 2008, also attached). This report listed the action items necessary to complete the project.

Subsequent Grading and Stabilization Activities: In September 2008, plans to grade these fields and receive the fill dirt were approved by Frederick County, and appropriate permits were issued. In June of this year construction activities for grading and soil stabilization were completed. The Inspector's Sediment and Erosion Control Report [Division of Permitting and Development Review (DPDR)] indicated the following:

¹ That July 1, 2008 Report had indicated that Site Plan review at a Staff-level-only was required. Since that 2008 Report, the Site Plan review requirements have changed, now requiring a non-binding review before the Planning Commission. This change is discussed under the next section "This Site Plan and APFO Application, and Review Requirements".

² The Construction Agreement was executed July 14, 2008. A User Group MOU or Lease has not yet been finalized.

- *Vegetative stabilization, be it grass or weeds, is established over 90% of the formerly disturbed areas. The areas that are not vegetatively stabilized are areas where the soil is too rocky to support vegetative growth. These areas are, however, stable.*
- *Several erosion rills exist at various locations throughout the site. These all appear to have occurred prior to substantial stabilization. They do not appear to be active nor threatening offsite sedimentation.*
- *Many of the original sediment control devices remain installed. Due to the poor soil conditions of the slopes and benches, leaving the devices installed is probably a good idea. (Whether) the devices are removed or left in place is at the owner's discretion.*
- *While the site is far from optimum condition, it is stabilized to the point of having little to no potential for sediment loss. The owner may request the release of secured funds and the closing of the permit.*

In addition to these DPDR Inspector Reports, the Division of Public Works (DPW) inspectors also reviewed the site. In accordance with the 2008 Construction Agreement, DPW performed inspections for activities associated with the fill operations, material specifications and other design features. In an email dated July 27, 2010, Frederick County indicated the following work is still required. That inspector indicated the following:

- *I am requesting that the remaining sediment control devices remain in place until April 15, 2011 to provide supplement protection to the site during additional vegetative growth. Unless otherwise (noted), all sediment control devices must be removed completely from the site by April 20, 2011.*
- *The roadway patch that is required by DPW to close out the (2008) Construction Agreement with the County must be in place by August 31, 2010.*

Once these two activities are completed, the construction activities related to the 2008 Construction Agreement and the required environmental controls will be satisfied.

This Site Plan and APFO Application, and Review Requirements: This Site Plan application was allowed to be "delayed" due to the Applicant's petition in 2008 to the BOCC to use dirt from another project, thus allowing the mass grading of this site prior to Site Plan approval. Subsequent to the 2008 request, the BOCC adopted a Zoning Text Amendment that changed the review requirements for non-essential services application on lands owned by the BOCC. That Ordinance (No. 09-22-526) became effective on July 24, 2009. The Zoning Ordinance language is as follows:

§ 1-19-4.110. EXEMPTION OF ESSENTIAL SERVICES.

(C) A proposed public building or facility owned by, or located on property owned by, the Board of County Commissioners will be submitted to the Frederick County Planning Commission (FCPC) for nonbinding review and comment. The FCPC will hold a public meeting on the proposed public building or facility, after nonbinding review and comment by the Division of Permitting and Development Review in accordance with §§ 1-19-3.300.1(D)(1) and 1-19-3.300.3 of this chapter.

Even though this section of the Code provides for a non-binding Site Plan review, § 1-19-300.1 (D) (1) requires APFO review and approval by the Planning Commission. Therefore, the only binding review with this Site Plan application is the APFO traffic review (since APFO testing for schools, water and sewer is not required). A Technical Advisory Committee (TAC) Meeting was held on July 19, 2010 to discuss (primarily) the emergency access drive issue which is discussed below.

ANALYSIS (Site Use, Circulation, Parking, & Utilities):

Land Use and Zoning Review: The use for this parcel is changing from an agricultural use to an open space (active recreational) use. There are no required conditions for open space (except if associated with an age-restricted community) listed in the Zoning Ordinance. Therefore, there are no land-use or zoning parameters (other than dimension and bulk requirements listed below) by which to evaluate or restrict this proposed use.

Dimensional Requirements/ Bulk Standards: The setback requirements for this use are listed under § 1-19-6.100 *DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS* of the Zoning Ordinance. The parcel meets the minimum lot area requirements. The Applicant's proposed playing fields meet front and rear yard requirements. However, § 1-19-6.100 lists side yard setback as 50', into which the Applicant's proposed western field encroaches about 35'. But there is no regulated use in the 1-19-5.300 Use Table that obligates this use to FcPc review authority. Also, there is no future building permit required for the fields.

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
<i>Open space uses</i>	<i>5 acres</i>	<i>-</i>	<i>300</i>	<i>40</i>	<i>50</i>	<i>50</i>	<i>30'</i>

Access/Circulation and Road Frontage Improvements: There is an existing 14'-wide, 1,000' long gravel access drive with an existing entrance located on Campus Drive, on FCPS property. This access drive will be used for emergency vehicles, field maintenance and delivery vehicles only, and a sign indicating these restrictions will be located on Campus Drive.³ The entrance for this emergency access drive is located 475' north of the Campus Drive/MD 355 intersection.

The Applicant has presented a vertical profile (shown on Sheet 1) showing that the grade for this emergency access drive does not exceed public road standards of 12%. No frontage improvements are required for this existing entrance. The Applicant indicates there will be a Knox box lock to allow 24/7 access by emergency vehicles. Furthermore, it was discussed at the TAC Meeting that the County would have the authority to place "No Parking" signs along Campus Drive to discourage spectators, parents and coaches ("field users") from parallel parking on this open section road, (for which there are no adequate areas for on-street parking) should problems arise with field users parking along Campus Drive.

Field users will use a existing parking entrance (open-section along Campus Drive, but with curb on the drive aisle) 550' north of the emergency access drive. This entrance provides direct access to the parking lot of the Urbana High School stadium area. The field users will utilize the High School parking lot for parking, and must walk approximately 1,200' - 1,600' from the parking lot along a macadam trail to reach the two playing fields. The High School parking lot has through-movement flow to other ingress/egress points to public roads, and therefore, additional access lanes will not be needed.

³ The use regarding this entrance is subject to the same agreement that the FCPS has with SFCYAF for the parking areas on Urbana High School. That agreement is attached.

Parking Space and Design Requirements: Recent ITE studies⁴ indicate that these playing fields will generate a need for about 15 parking spaces per field for practices, 60 parking spaces per field for tournaments, and 70-90 spaces per field for regional tournaments. However, no value was given for a non-tournament game. The Staff estimates that non-tournament games would generate a need for no more than 35 parking spaces per field, thus creating a peak demand of up to 70 parking spaces for non-tournament games.

The Applicant has secured an agreement with the Board of Education to have access to the High School Stadium parking lot, which the Applicant has stated contains 199 parking spaces (although the actual number appears to be closer to 210), which exceeds the maximum that should be needed by the two playing fields. Even though it is unlikely that the limitation of these two playing fields will be able to host tournament play, the Applicant must coordinate with the FCPS regarding shared use of the parking lot so that concurrent uses are not scheduled that would create parking shortages. This coordination has been specified in the terms of the Memorandum of Understanding (MOU) between FCPS and SFCYAFG.

The existing parking spaces were designed when the Urbana High School was developed in the mid 1990's. Those standards were 9' x 20' parking spaces with 24' drive aisles. Current standards are 9' x 18' parking spaces with 24' aisles. The Applicant does not propose to retrofit the existing parking lot, which is prudent and acceptable to Staff.

Handicapped Accessibility: Within the parking area at the Urbana High School stadium area, there are existing handicapped spaces that meet Maryland Accessibility Code requirements. However, the 1,200' – 1,600' trail to the playing fields site is not handicapped accessible. The location of the playing fields meets the condition of being remote from the parking location, thus the trails to the playing fields are not required to provide handicapped accessibility because they are deemed to be "technically infeasible"⁵.

Bicycle Parking: Under current standards the Applicant would be required to provide one bicycle rack for every 20 parking spaces, which would yield three bicycle racks under the Staff's parking space Assessment of 70 required spaces.

The Applicant's note under "Site Development Data" claims that the total number of racks required would be three. The Applicant provides a bicycle rack detail on Sheet 2, but does not indicate where the racks would be located.

Loading Area: There are no loading space requirements because no buildings are proposed.

Utilities: The site is currently classified W-1, S-1, meaning the site is "connected" to water and sewer service. While there may actually be no lines in the ground connecting this parcel, the parcel was deemed "connected" by the Water and Sewer Plan adopted by the County.

⁴ "Parking and Vehicle Trip Generation for Soccer Fields and Elementary Schools", *International Traffic Engineers (ITE) Journal*, August 2010.

⁵ This evaluation was made with consensus opinion from the inspectors and planners reviewing this site under the "Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines" of July 2004 (for existing structures).

ANALYSIS (Environmental):

Open/Green Space and Floodplain Issues: There are no open or green space requirements in the Agricultural zone. There are floodplains, intermittent streams and required buffer setbacks on this parcel, but none are located in or near the two playing fields.

Landscaping: The landscape requirements that would apply to this Site Plan application are the landscape requirements for the parking lot and the requirement to provide buffering and screening along common property lines. The High School parking lot does not meet 20% canopy coverage, parking bay landscaping, or the parking screening requirements. The Applicant proposes no landscape improvements to either the High School parking lot or for screening along common property lines. Staff would note that open space uses ordinarily do not warrant landscape screening.

Storm-water Management Design: Storm-water management (SWM) for these proposed fields was addressed during the grading of the fields, which was allowed to proceed ahead of site plan approval. This permission was granted by the BOCC to allow the applicant to accept this fill dirt in a more timely fashion, and was conditioned on the applicant following up with a site plan to show the fields etc. Therefore, the grading that was done in accordance with the mass grading plans should be considered part of this Site Plan application. While there is no additional grading or SWM is required for these playing fields at this time, the notes should clearly reflect the improvements that were previously made as a part of this application.

Forest Resource Ordinance (FRO): In 2008 the County agreed to accept a temporary forest fee-in-lieu payment so that grading could begin for this parcel. The Applicant made payment and was allowed to proceed with grading. Subsequently, FRO was provided by preserving the areas of existing forest were preserved, and the appropriate amount of easement area was recorded, thus fully mitigating all FRO requirements. Subsequently, the fee-in-lieu payment was returned to the Applicant.

ANALYSIS (Miscellaneous Design Issues):

Lighting: The Applicant proposes no lighting for these playing fields.

Signage: The Applicant is allowed a total of 32 sq. ft. of signage for this parcel. The Applicant proposes a sign of 6 sq. ft. indicating the name of the site, the address and restriction to emergency and maintenance vehicles.

Trash Dumpster and Recycling: The Applicant proposes that all trash shall be removed from site by field users. The applicant proposes no dumpster on site.

ANALYSIS [Adequate Public Facilities Ordinance (APFO)]:

In General: This project was reviewed for potential impacts on schools, water/sewer and roads.

- ☐ **Schools:** The non-residential nature of this project has no impact on schools.
- ☐ **Water and Sewer.** The Property is currently classified W-1, S-1, however, no water or sewer facilities will be placed on the site. Therefore, this use has no impact on public water and sewer facilities.

- **Traffic:** While in reality the playing field uses are likely to generate some additional weekday evening and weekend peak-hour trips, these uses are deemed to be ancillary uses to the Urbana High School site. While increases in accessory uses such as auditorium seats, football bleacher seats or even ball fields can increase daily trips, ITE trip rates for schools are only based on classrooms, which is the critical metric in assessing trip generation for schools. Contributing factors that consider this an accessory and not a separate use for the school is that the school has by agreement the right to use the fields and no additional/separate parking is being provided for them. By practice, this use is technically not deemed to increase peak-hour trip-making, and therefore would be exempt from APFO.

OTHER AGENCY COMMENTS:

Agency or Ordinance Requirement	Comment
Engineering Section, DPDR:	Denied. (With note # 10 properly reflecting the actual conditions of how SWM was addressed, and these measures shown on the Site Plan, Engineering would have no objection to approval of this Site Plan.) Note # 10 should indicate SWM has been provided for these fields under the approval of the mass grading plan (AP # 8562). In addition, the Site Plan should show all "SWM measures" that were approved as part of the mass grading plan--swales, level spreaders, etc..
Transportation Eng., DPDR	Approved.
Planning Section, DPDR:	No Objection. Bicycle conditions have not been met, however, there is no Code authority to require bicycle rack installation.
Life Safety, DPDR	Approved: 1 st Responder: Urbana 2 nd Responder: Hyattstown
Health Department	Conditional Approval: Portable toilets are allowed for seasonal use only; a significant change in use/adding amenities (i.e. concessions) will require a more permanent means of sewage disposal.
Soil Conservation	Approved
State Highway Admin.	Approved

FINDINGS:

This Site Plan is required to be reviewed by the FcPc, but the review is "non-binding". The Applicant is required, however, to meet APFO requirements.

The Staff finds that:

- 1) The Applicant has met the condition of submitting the Site Plan for "non-binding review" before the Planning Commission as required by § 1-19-4.110. *EXEMPTION OF ESSENTIAL SERVICES. (C)* with this October 13th Agenda item.

- 2) With regard to APFO, based on the fact that there are no impacts to the principal use to be mitigated, this project is exempt from APFO.
- 3) FRO requirements for this parcel have already been met with the recordation of protective forest easements.
- 4) With regard to parking:
 - a) The current High School parking lot does not meet dimension standards for parking spaces, however there is no Code authority to require compliance.
 - b) Parking lot handicapped requirements have been met.
 - c) While the Applicant has listed three bicycle parking spaces on the Plan, the Plan does not show where they are located or if they are intended to be built. Therefore, the Applicant has not demonstrated that bicycle parking requirements have been met. However, there is no Code authority to require compliance.
- 5) Handicapped accessibility to the playing fields is not required because of its remote location.
- 6) The Applicant proposes no landscape improvements for the parking lot or for screening along common property lines. However, landscape screening of open space features is not normally required. There is no Code authority to require compliance.
- 7) The Applicant has met the signage allotment and location restrictions.

RECOMMENDATION:

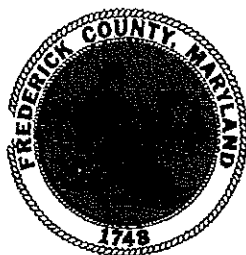
The Staff makes no recommendation regarding the Site Plan application. The Staff recommends approval of the APFO test based on the fact that there are no impacts on facilities to the principal use.

Exhibit #1



ILLUSTRATIVE PLAN

Urbana Athletic Facility
Urbana, Maryland



MANAGEMENT SERVICES DIVISION FREDERICK COUNTY, MARYLAND

Winchester Hall • 12 East Church Street • Frederick, Maryland 21701
301-600-1039 • FAX: 301-600-3170 • TTY: Use Maryland Relay
www.co.frederick.md.us

DATE: July 1, 2008

TO: Board of County Commissioners *Austin A.*

FROM: Austin Abraham, Director, Management Services Division

Subject: Request to Construct Athletic Playing Fields
on the County's Urbana Farm

COMMISSIONERS

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Ronald A. Hart

DIVISION DIRECTOR

Austin S. Abraham

ISSUE: This staff report has been prepared to update the BOCC on the ongoing efforts related to a citizen group proposal to construct youth athletic playing fields on the County-owned farm property in Urbana.

BACKGROUND:

Proposal by Southern Frederick County Youth Athletic Facilities Group.

On May 27, 2008 a group of individuals known as the Southern Frederick County Youth Athletic Facilities group (SFCYAF), headed by Tim Mellott, approached the BOCC with a proposal to construct several athletic playing fields on a portion of the County's Urbana farm. The group has indicated that they represent four formally organized not-for-profit organizations:

Linganore/Urbana Youth Athletic Association (LUYAA)

Urbana Jr. Hawks Baseball

Urbana Soccer

Urbana Basketball

In the presentation to the BOCC, SFCYAF stated that a large construction project near the County farm was about to commence and a contractor on that job had offered to perform grading work on the County farm in support of athletic field construction in exchange for the right to dispose of up to 88,000 cu.yds. of dirt on the farm as may be required to construct playing fields.

SFCYAF proposed that if the BOCC were to grant permission for them to use that portion of the farm between the high school and the Highway Operations yard, SFCYAF would construct and maintain as many as 6 fields for soccer, football, baseball and softball. In exchange for constructing the fields, the group has indicated it would like scheduling rights for the fields, and priority status for field use. The group also expressed a desire to work with the BOE in improving playing fields located on the grounds of Urbana High School as well providing the BOE some scheduled time on the fields proposed for the County farm property.

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Process to date. County staff has worked closely with Tim Mellott and the other supporters of this ambitious project. At the direction of the County Manager, staff was asked to expedite the review of this proposal and an initial meeting was held on June 6 with 11 staff members and 5 representatives from SFCYAF, LUYAA and Urbana Sports. Division Directors and Department Heads have been involved from Planning, DPDR, DPW, Parks and Recreation, DUSWM, Health, Legal, Finance, Management Services and the Board of Education. Because the timing for the project has been driven by the nearby dirt work, staff has made the project a high priority.

The property. The Urbana farm was purchased by the County in 1992. After subdividing 89 acres for Urbana high school and a small parcel for a DUSWM sewer treatment plant (now a pumping station), the farm now consists of approximately 100 acres. The property is located along Rt. 355 and extends on both sides of Campus Drive. Roughly 45 acres are wooded, wetlands or floodplain. Approximately 7 acres are utilized by Highway Operations as a satellite yard. Approximately 22 acres are located between Campus Drive and Rt. 355 that include the tenant house, 2 barns, several outbuildings, and some pasture land. The remaining 24 acres +/- is hilly but generally tillable land located between the Urbana High School property, the Highway Operations yard, and the forested land. This portion of the property is crossed by underground DUSWM infrastructure including 2 wells, a water line and 2 sewer lines. Access to the Highway yard, Urbana High School and the field in question is from Campus Drive, which is an internal access road and not a part of the County's road network. (See Attachments 1, 2 and 3.)

Zoning. The majority of the site is zoned Agricultural (A) and the environmentally sensitive area (wooded, wetlands or floodplain) are primarily zoned Resource Conservation (RC). County or "Governmental" parks and "nonprofit parks" proposed in the A zone are principal permitted 'P' uses by right and are subject to the design requirements of the Zoning Ordinance. Parks proposed within these zones do not require FcPc review and approval but are reviewed at the staff level (staff level site plan) to ensure that the design regulations of the Code are met. County or "Governmental" parks and "nonprofit parks" proposed in the RC zone are principal permitted 'PS' uses and are subject to site development plan approval (See Sections 1-19-411 through 1-19-413). Parks proposed within these zones do require FcPc review and approval.

The Nicholson Lease. When the County purchased the farm property, the BOCC approved a lease that continued the tenancy of Earle and Marie Nicholson who have now lived on the farm 57 years. The lease was for one year with a 6-month termination clause. The County has continued the lease on a month-to-month basis at the rental rate of \$650 per month. The Nicholsons are responsible for all utilities and general maintenance of the house, grounds and outbuildings. The Nicholsons currently have hay on the field that is proposed for playing

fields. Mr. Nicholson has taken one cutting from the field this year and does not expect to take another. It has been his intention to replant the field later this year.

Staff has spoken with Mr. Nicholson on several occasions regarding future development of the farm by the County including the recent playing field proposal. Mr. Nicholson is not opposed to the use of the field by the County. If the field is no longer made available for farming, Mr. Nicholson has requested consideration of some reduction in monthly rent and/or some arrangement for replacing the hay that he harvests from the field.

Urbana Farm Master Plan. In the CIP for FY09 the BOCC has funded a Master Plan for the Urbana farm. This project will develop a list of proposed uses for the farm property, analyze the site for appropriateness of uses and develop a site master plan for the identified uses. The Master Plan will include a boundary survey, ALTA survey, and appraisal of the property; delineation of wetlands, streams, forested areas; provision of utility services to the site; and an analysis of the existing and proposed transportation network including Campus Drive that is currently a private access road. This project is estimated to take 12 months.

Board of Education. The BOE owns the Urbana High School property including that portion of Campus Drive that runs along the school property. Ray Barnes has indicated that although a schedule for design and construction has not been approved in the BOCC's CIP, enrollment growth in the Urbana High School feeder will probably require a fifth elementary school in the future. While the County farm may not be the best or the only site considered, it is an existing County property and appears to have enough acreage to support an elementary school. In addition, the BOE might have an interest in some use of additional playing fields if they were to be constructed on the County farm. The BOE is also open to considering proposals for improving the playing fields on BOE property adjacent to the County farm property.

Typical process for development of County recreation facilities. In the development of County property for park-related use, the County has both the property owner's role and a regulatory role and typically would use the following process:

Master planning: This includes community input, review of the property topography and features, determination of what uses are needed and best suited for the property, layout of the proposed uses in a manner that supports development over time and addresses existing conditions, access, parking, water and sewer, restroom facilities, walking trails, protection of natural resources, and support structures such as maintenance buildings.

Development of construction plans: In this phase, coordinated with the funding schedule in the CIP, staff would contract with an Architect/Engineer (AE) to develop

construction plans for the improvements. The AE would prepare site plans, grading plans and improvement plans as required for the project. Overall coordination of plan review would be handled by the project manager in DPW although Parks and Recreation staff would have the lead role in reviewing the plans as the 'user agency'.

Regulatory review of plans:

1. Mass grading plans: These plans are required before any work can commence on a property. Grading plans show the changes to the topography of the land, sediment and erosion control, storm water management, and other major site features. The plans would show adjacency to sensitive areas such as wetlands and floodplains and show any utilities or other existing infrastructure on or near the property that would be impacted by the changes. Mass grading plans also show the design of new slope construction, compaction, and how new slopes tie into existing grades. These plans are reviewed by DPDR, Soil Conservation, DUSWM, SHA (depending on access issues) and the Health Department. Depending on impact to sensitive areas, MDE review may be required as well.

Following the approval of grading plans, the applicant must submit a cost estimate to determine the guarantee required for SWM, sediment and erosion control, and all public improvements. Following approval of the cost estimates, the applicant must provide either a letter of credit or cash escrow to ensure proper construction in accordance with the approved plans, and a performance agreement which spells out the conditions of the guarantee.

2. Site plan: While the site plan approval could come after approval of the grading plan and commencement of grading, the applicant would be 'at risk' if approval of the site plan necessitated further grading changes. At this stage the impact of the Forest Resource Ordinance (FRO) and the Adequate Public Facilities Ordinance (APFO) would also be evaluated. In the typical process at least one Technical Advisory Committee (TAC) meeting would be scheduled with the applicant to discuss reviewing agency comments.
3. Forest Resource Ordinance (FRO): Gary Hessong has stated that it would be a violation of County ordinance if FRO is not addressed before a grading permit is issued. Regarding meeting FRO, Gary has also stated that there does not appear to be a conflict with either State or County Code for the applicant to give a fee-in-lieu of payment as a 'placeholder' until such time as easements are recorded.

4. **Site improvement plans:** These plans are the construction plans for improvements on the property including playing fields, backstops, restrooms, paths, parking, ADA accommodation, etc.

5. **Fees:** Fees would be assessed based on the amount of land that is developed and applicability of APFO and FRO, and the extensiveness of the site improvement plans. Without a grading plan or site plan in hand at this time, it is difficult to estimate the fee total.

Oversight of construction: For most County construction projects, the DPW Department of Construction Management and Inspection is the 'owner's representative' at the site, inspecting the work as it is completed, and ensuring compliance with the plans and specifications as approved.

Citizen/user group involvement in site development. While the County has limited experience in having a citizen or user group develop County property for park or recreational use, such involvement would necessitate two important agreements and staff review of all plans:

User Group MOU: An MOU between the County and the user group would confirm the rights and responsibilities of the County and the user group in the property development. This agreement serves the process best if it is developed and executed prior to any design or construction effort. Generally such agreements take six months or more to develop, not because the written document is difficult to draft, but because it is through the process of defining rights and responsibilities on paper that the parties develop their working relationship, come to understand the scope of the project that is proposed, the effort that will be involved in carrying out the project, and the costs. User group MOU's define permitted uses, which party will maintain the property and to what standards, ingress, egress and parking arrangements, who will schedule field use, priority uses, and the term of the agreement. An MOU would also include language on indemnification, hold-harmless and liability insurance requirements. Parks and Recreation along with the County Attorney would have the lead in developing the MOU.

Construction Agreement: This agreement would define terms and conditions for the user group and their contractor(s) to make alterations and improvements to the County's property. It is likely that both the user group and the contractor would be parties to this agreement with the County. The agreement would identify the limits of disturbance, define and locate the changes and improvements, identify permitted construction ingress and egress to the property, type of equipment that

is acceptable, methods for inspecting fill material and compaction procedures, confirm ownership of the fill hauled onto the property, and stipulate recourse if the project is not completed or constructed according to plans or if damage to the property or access road occurs. The agreement would also include indemnification, hold harmless and insurance requirements. It is advisable that this agreement be executed along with the user group MOU and prior to the start of design so there are no surprises to the group after investment in design is started.

Staff review of user group plans: In the development of county parks staff is working directly with the AE and reviewing plans as they are submitted by the AE. In a scenario where a citizen/user group develops plans for improvements to County property, County staff would not only have the traditional regulatory review by DPDR and others, but would also review plans from the owner's perspective, evaluating use of available land, suitability of design for the intended purpose, and integration with long-term plans for the site.

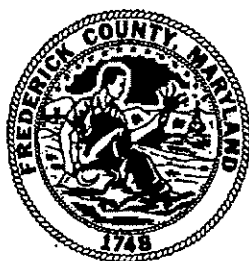
CURRENT STATUS:

1. After several meetings with staff and evaluating the forest, wetland and floodplain areas on the property as well as the location of DUSWM water and sewer lines, SFCYAF has indicated the project will most likely contain 2 playing fields.
2. SFCYAF has hired a private consulting engineering firm to develop grading plans for the project. As of July 1 at noon, staff had not received the grading plan to review.
3. Staff has indicated from a cursory view of the topography that it might be possible to construct 2 fields with little or no fill brought onto the site. Until a grading plan is submitted, staff will not know whether the proposed fill is appropriate for the construction of fields and for future development of the site.
4. The legal entity(s) that would be the 'other party' to the construction agreement and the user group MOU has not yet been identified. The County Attorney has advised that both the construction agreement and the MOU should be with a legal entity, either an individual or a formally organized and chartered group.
5. SFCYAF has indicated they will propose shared use of the Urbana High School parking lot. This arrangement needs to be reviewed for practicality and ADA accessibility and worked out with the BOE.
6. Tim Mellott and the other supporters of this project have worked hard to move the project along. While there is strong support for the creation of additional fields, Tim recently expressed some concern about the time and money required for SFCYAF to carry this project forward to completion.

Board of County Commissioners
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RECOMMENDATION: This report is provided as an update to the BOCC and staff has no recommendation at this time.

Attachment #1: Aerial View of Urbana Farm with Boundary Overlay
Attachment #2: Aerial View of Urbana Farm with Floodplain Overlay
Attachment #3: Aerial View of Urbana Farm with Water and Sewer Line Overlay



MANAGEMENT SERVICES DIVISION FREDERICK COUNTY, MARYLAND

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www.co.frederick.md.us

DATE: July 9, 2008

TO: Board of County Commissioners *Austin A.*

FROM: Austin Abraham, Director, Management Services Division

SUBJECT: **Grading Improvements Related to the Request to Construct Athletic Playing Fields on the County's Urbana Farm**

COMMISSIONERS

Jan H. Gardner
President

David P. Gray
Vice President

Kai J. Hagen

Charles A. Jenkins

John L. Thompson, Jr.

COUNTY MANAGER

Ronald A. Hart

DIVISION DIRECTOR

Austin S. Abraham

ISSUE: This staff report provides additional information on authorizing grading work on the County's Urbana Farm in connection with potential future construction of athletic playing fields on the property.

BACKGROUND: At the July 8, 2008 BOCC meeting, staff was asked to provide a list of 'Action Items' deemed necessary prior to mass grading of approximately 10 acres of the County's Urbana farm. Due to the very short timeframe for accepting the grading offer of W. F. Delauter as expressed by Jim McKeever, and the amount of time required to work through all issues related to site plan approval and development of a User Group MOU, the BOCC requested that the proposed playing field project be split into 2 parts, with the grading authorization being given priority.

Attachment #1: Action Items for grading only.

Attachment #2: List of standard County fees related to the proposed project. According to DPDR staff no fees have been paid to-date.

Items deferred: Below is a listing of issues/items that are being deferred pending moving forward with the proposed grading:

- Review and approval of the site plan (this includes, among other things pedestrian access, parking, ADA compliance, Health Department sanitation requirements, etc)
- Review or approval of improvement plans
- Availability of shared parking with BOE
- Negotiation of a User Group MOU including decision on scheduling priority, maintenance of fields, and what organization(s) will be the 'other party' to any MOU
- APFO testing

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Grading Improvements – Urbana Property

July 9, 2008

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- Approving FRO easement if that mitigation is chosen
- Commitment to allow athletic playing fields to be constructed
- Maintenance of the newly graded and seeded areas until playing fields are constructed

STAFF RECOMMENDATION: This staff report is prepared to provide additional information to the BOCC. No staff recommendation is made, at this time.

FUNDING INFORMATION:

Budget Implication: No ____ Yes ____ (If yes, provide information necessary information below)

Name of Account:

Account Number(s):

Amount of Funding Request:

Other information pertinent to this request:

Exact budgetary impact is dependent on whether the BOCC approves any level of financial support, or in-kind services to the grading project.

Attachment #1: Action Items for grading only

Attachment #2: List of standard County fees related to the proposed project

Action Items for Grading Only – Urbana Farm

Prepared: July 9, 2008

Item	Applicant / Contractor	County
1. Construction MOU	<ul style="list-style-type: none"> Review, approve and execute 	<ul style="list-style-type: none"> Draft MOU (first draft complete) Staff review (already begun) BOCC (or designee) review, approve, execute
2. Nicholson Lease		<ul style="list-style-type: none"> Negotiate new terms (tentative agreement reached) Draft Lease Amendment BOCC (or designee) review, approve, execute
3. Grading Plans	<ul style="list-style-type: none"> Submit plans with an elevation or range of elevations consistent with acceptable fill that will be available at time grading is done (but fix location for fields) Adjust location for field closest to BOE property for 50' side setback (staff recommends this to avoid necessity to request variance with site plan) Provide required surety and execute performance agreement 	<ul style="list-style-type: none"> Determine acceptable entity as 'Applicant' for grading plan submission (staff recommends W. F. Delauter) Regulatory review and plan approval (DPDR, DUSWM) Owner's review and approval (DPW, Parks and Rec., Management Services) Soil Conservation review and approve plans Calculate cost estimate for project and related surety amount Draft and execute performance agreement
4. Forest Resource Ordinance (FRO)	<ul style="list-style-type: none"> Submit complete FRO plan with appropriate mitigation; (fee-in-lieu as a placeholder for future easement has been discussed). 	<ul style="list-style-type: none"> Review and approve final FRO plan.

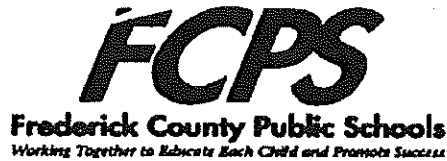
Action Items for Grading Only – Urbana Farm

Prepared: July 9, 2008

Item	Applicant/Contractor	County
5. Fees payments (FRO, plan review, permitting)	<ul style="list-style-type: none"> Pay fees unless other arrangements are granted by BOCC. 	<ul style="list-style-type: none"> Staff calculate fees based on final approved grading plan and FRO plan BOCC determine if fees and FRO fee-in-lieu will be paid by Applicant (standard procedure), waived, forward funded, or paid by County
6. DPW Inspection Fees -- Determine if chargeable		<ul style="list-style-type: none"> Determine if DPW is to be reimbursed for on-site inspector costs, and if so, by Applicant or BOCC; estimate to be \$4500-\$6000 based on 3-4 weeks time and standard charge rate to CIP projects
7. Permission from BOE for use of a portion of Campus Drive and BOE property for construction and maintenance.	<ul style="list-style-type: none"> Agree to cover BOE with same insurance, hold harmless, and indemnity requirements of County. Agree in Construction MOU to repair and restore any damage to BOE property. Agree to work with BOE and County staff to explore if BOE fields can be improved at the same time 	<ul style="list-style-type: none"> Obtain BOE permission (completed 7/9) Draft appropriate language into Construction MOU including BOE as signatory BOCC direct staff to work with BOE and contractor to explore if BOE fields can be improved at the same time.
8. Grading Permit	<ul style="list-style-type: none"> Make grading permit application after plan approval, surety approval and execution of performance agreement 	<ul style="list-style-type: none"> Soil Conservation approve County approve

Urbana Farm Grading - Applicable Fees

Fee Type	Agency	Amount	Notes
FRO Review	DPDR	\$425	
APFO Exemption Request		\$53	Additional fees will apply if determined APFO testing is required.
Mass Grading - Initial Fees	DPDR	\$906	
- Resubmittal	DPDR	398	
	DUSWM	250	
TOTAL for Mass Grading		\$1,554	
FRO Fee-In-Lieu		\$47,480	Estimate pending final plans
Grading Permit	ECS	\$3,556	Estimate pending final plans
	SCD	115	
		\$3,671	
TOTAL for GRADING		\$53,183	
Site Plan Initial Submittal	DPDR	\$3,001	
	DUSWM	25	
	Health	50	
	SCD	55	
Sub-Total		\$3,131	
Site Plan Resubmittal	DPDR	1,248	
	DUSWM	25	
Sub-Total		\$1,273	
TOTAL for SITE PLAN		\$4,404	



**Memorandum of Understanding between the
Frederick County Public Schools and the
Southern Frederick County Youth Athletic Facilities Group**

Whereas, the SFCYAFG is constructing two soccer fields next to Urbana HS on County owned property, and

Whereas the construction of these fields will benefit the community by providing needed field space for youth athletic programs, and

Whereas access and parking is needed for these fields when they are ready for use, and

Whereas, due to the cost involved, there are no immediate plans by SFCYAFG to construct parking on the County property and for this reason access and parking is requested at Urbana HS, and

Whereas the FCPS has concerns regarding the use of the parking lot at Urbana HS for these fields, including; conflicts with the current heavy use of this parking area by the public for events at Urbana HS and the pedestrian and potential vehicle traffic across the Urbana HS property and the damage that may result.

Therefore, noting these concerns and in an effort to be supportive of the SFCYAFG's project, it is mutually agreed the Urbana HS parking facilities can be used as parking for the new SFCYAFG'S fields under the following terms and conditions:

1. The SFCYAFG will submit standard FCPS "Use of Facility" Applications for the days and times the parking is needed on a quarterly basis as provided in FCPS Regulation 100-1. These will be subject to review and approval by the school administration.
2. The SFCYAFG shall comply with the terms and conditions for all users of FCPS property as provided in FCPS Regulation 100-1.
3. Vehicular access by coaches or users of these fields, or access by maintenance or delivery vehicles, will not be permitted across FCPS property. All vehicular access to the fields must use the current access drive off Campus Drive. Maintenance of this driveway is the responsibility of SFCAYFG

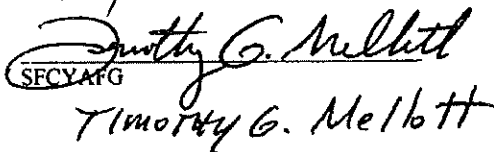
4. SFCYAFG will not park anywhere on the Urbana HS property other than in the designated, paved parking lot areas.
5. The FCPS will, in cooperation with SFCYAFG, define on the Urbana HS property a pedestrian path from the parking lot to these fields. Any improvements needed to construct this path, including changes to fencing, shall be the responsibility of the SFCYAFG. No changes will be made without FCPS approval. SFCYAFG will be responsible for obtaining all necessary permits.
6. The FCPS will, in cooperation with SFCYAFG, define adequate signage directing game participants and spectators along the correct path between the UHS parking lot and the playing fields. The cost for the signs shall be the responsibility of the SFCYAFG.
7. The SFCYAFG will be responsible for all custodial and maintenance services for the fields on County property,
8. SFCYAFG participants are not permitted to use the Urbana HS athletic fields without permission from the Urbana HS administration.
9. The SFCYAFG shall allow access to the fields on County property for Urbana HS Physical Education activities on dates and times as determined in the future,
10. There will be no charge assessed by FCPS for use of the parking lot at Urbana HS

Use of parking lot at Urbana HS associated with these fields is not exclusive to the SFCYAFG and the terms of this MOU may be applied to other groups that use these fields in the future at the sole discretion of the FCPS.

This MOU may be cancelled by the FCPS, following written notification to SFCYAFG if the terms and conditions, as judged by the FCPS, are not complied with.


FCPS

Date: 7-7-10


SFCYAFG
Timothy G. Mellett

Date: 7/7/10